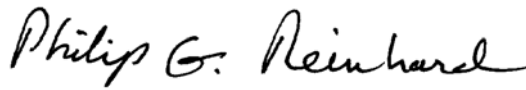


# United States District Court, Eastern District of Wisconsin

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 CR 84	DATE	8/6/2010
CASE TITLE	USA vs. John Miller		

**DOCKET ENTRY TEXT:**

For the reasons stated below, defendant's motions [122] and [123] are denied.



[For further details see below.]

Docketing to mail notices.

## STATEMENT

Defendant, John J. Miller, has filed in the District Court two more post- trial motions. The first motion [#122] seeks to proceed pro se, seeks relief under Fed. R. Crim. P. 33, and seeks relief based upon "criminal fraud." This motion, like many of defendant's prior filings, is at best difficult to decipher. Having said that, the court denies the motion to the extent it relies on Rule 33 as it fails to identify any proper basis for relief under that rule. See United States v. Rollins, 607 F. 3d 500, 504 (7<sup>th</sup> Cir. 2010). Rather, it sets forth contentions that are standard under 28 U.S.C. § 2255. See Rollins, 607 F. 3d at 504. To the extent it is a motion under § 2255, it would be successive, defendant has not obtained the required permission to seek such successive relief, and the court dismisses it for lack of jurisdiction. To the extent the motion seeks relief based on criminal fraud, it is denied as being both without merit and frivolous. The motion to proceed pro se is denied as moot. Lastly, the ambiguous references in this filing seeking relief in the Court of Appeals for the Seventh Circuit are not properly before this court.

The second motion [#123] seeks relief under Rule 33 and is denied as it fails to identify any proper basis for relief under that rule. See Rollins, 607 F. 3d at 504. To the extent it seeks relief consistent with § 2255, it is dismissed for lack of jurisdiction.

Courtroom Deputy Initials:	JT
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